



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Attn: BOX RCE**
Steven LEIGH et al. : Docket No. 2001-1087A
Serial No. 09/890,770 : Group Art Unit 1615
Filed August 3, 2001 : Examiner G. Kishore
MEMBRANE LIPID COMPOSITIONS : **Confirmation No. 7884**

SECOND SUPPLEMENTAL RESPONSE TO FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

In the Advisory Action dated February 18, 2004, it was indicated that the previous Responses did not place the application in condition for allowance for reasons of record.

In reply, it is not at all clear why the Response filed on January 26th and Supplemental Response filed on February 11, 2004 did not overcome the rejections of record since these papers set forth detailed reasons why the references of record are unsuggestive of the present claims.

Further, with regard to claim 14, the retinoic acid employed by Mehta is not a hydroxycarboxylic acid as required by the claim which is therefore unobvious from Mehta.


In this regard, it should be emphasized that retinoic acid (employed by Mehta) is toxic in large amounts and is available only by prescription. In consequence, it is clearly not at all suitable for use in the present invention.

For the foregoing reasons, it is apparent that the rejections on prior art are untenable and should be withdrawn.

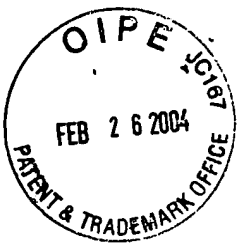
No further issues remaining, allowance of this application is respectfully requested.

Respectfully submitted,

Steven LEIGH et al.

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February 26, 2004



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PATENT OFFICE FEE TRANSMITTAL FORM

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Sir:

Attached hereto is a check in the amount of \$1080.00 to cover Patent Office fees relating to filing the following attached papers:

Request for Continued Examination (RCE) \$770.00

Petition for second month Extension of Time \$310.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Steven LEIGH et al.

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[Check No. 60424]
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